

Executive Summary of Draft Protection Order Statute with Commentary

The Protection Order Committee of the Indiana Judicial Conference is proposing a major revision of Indiana's statutory scheme involving civil protective orders. Currently, there are some twelve different types of protection, restraining, or no-contact orders available in the State of Indiana. These orders range from no-contact orders in CHINS, delinquency, and criminal proceedings to protection/restraining orders issued in paternity, dissolution, and separation cases. Indiana's civil protective order statute, IC 34-26-2-1 et seq., does not limit the availability of relief to cases involving domestic or family violence, even though adequate remedies exist for disputes between neighbors, co-workers, and others.

The Committee is submitting a revised civil protective order statute that is based upon the Model Code on Domestic and Family Violence. The highlights of the revision include:

- Protection orders are limited to domestic or family violence situations. No contact orders remain available;
- Orders will last for two (2) years, or until otherwise specified by the court;
- Judges have sweeping powers to craft orders specific to each family, in order to reduce the recurrence of violence and to protect all family members;
- Elimination of the special process for registering foreign orders; foreign orders registered in the same manner as Indiana protection orders;
- Standard forms for civil protection orders;
- One central statute for all protection orders for domestic or family violence regardless of case type;
- Statutory provision for surrender of weapons;
- Consistent terminology and definitions throughout the Indiana Code;
- Consistent standards involving family violence for custody and visitation matters;
- Mandatory arrest for violations of protection and no-contact orders (Invasion of Privacy);
- Increased penalties for Invasion of Privacy; and
- Modifications of Trial Rule 65(E) in order to reconcile it with the new statutory framework.

Please send any questions to:

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